



City of Seattle

Department of Planning and Development

Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3012039

Applicant Name: Gordon Lagerquist for Jim Riggle

Address of Proposal: 5214 Ballard Avenue NW

SUMMARY OF PROPOSED ACTION

Revision to 3005938 to change the established use from residential to lodging. Land Use Application to allow a four story, 26 unit residential building with 11,850 square feet for indoor participant sports on the second and third floors (Olympic Athletic Club) and 2,650 sq. ft. of retail at ground level. Parking for 79 vehicles will be located at and below grade. Review includes demolition of two, one story structures totaling 6,300 square feet. **Revised Project Description:** Land Use Application to allow a four-story structure with 29 units of lodging (Hotel). Indoor participant sports on the second and third floors (11,850 sq. ft., Olympic Athletic Club) above 2,650 sq. ft. of retail. Parking for 63 vehicles will be located at and below grade. Review includes demolition of remaining structure (6,300 sq. ft.).

The following approvals are required:

Administrative Conditional Use Permit – to allow lodging in an NC2 65' zone – Chapter 23.47A.006I6 SMC.

SEPA - Environmental Determination - Chapter 25.05 SMC.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☒ DNS involving non-exempt grading, or demolition,
or involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

This 10,489 square foot site is located in a Neighborhood Commercial 2 65' (NC2 65') zone in the Ballard Avenue Landmark District. The site is developed with an existing 5,000 square foot one story warehouse building and a 1,300 square foot office building. The site is irregularly shaped due to a triangle of land at the rear of the site fronting on 20th Avenue NW. The site has 50 feet of street frontage along Ballard Avenue NW and 36.5 feet of street frontage along 20th Avenue NW.

Area Development

Development in the vicinity consists primarily of a mixture of commercial and industrial uses. There are a number of historic buildings in the Ballard Avenue Historic District. The applicant also owns the Olympic Athletic Club to the north of the site on the same block.

Proposal Description

The applicants propose to construct a four story structure with 29 units of lodging (Hotel), indoor participant sports on the second and third floors (11,850 sq. ft., Olympic Athletic Club) above 2,650 sq. ft. of retail. Parking for 63 vehicles will be located at and below grade. Review includes demolition of the remaining structure (6,300 sq. ft.).

Public Comment

One comment letter was received in support of the project during the current public comment period which ended March 2, 2011. One comment letter was received during the original comment period which ended November 29, 2006. Concerns were expressed that the proposed building would not fit into the Ballard Avenue Landmark District's stated purposes and goals. The building would be the only four story building in the Ballard Historic District and could change the character of the District.

ANALYSIS – ADMINISTRATIVE CONDITIONAL USE PERMIT

Section 23.47A.006I6 of the Seattle Municipal Code provides that lodging uses in NC2 zones are permitted up to 25,000 square feet, when all of the following conditions are met, except that bed and breakfasts in existing structures are permitted outright with no maximum size limit:

A. The lodging use contains no more than fifty units;

The portion of the building with lodging use will have 29 units, so it will not exceed the maximum allowed number of units.

B. The design of the development, including but not limited to signing and illumination, is compatible with surrounding commercial areas; and

The site is located within the Ballard Avenue Historic District. The original design was reviewed and approved by the Historic District Board in February 2007. The Board coordinator has compared the originally approved plans with the revised plans and determined that the plans match. Therefore, the design of the development is compatible with surrounding commercial areas.

C. Auto access is via an arterial street.

Leary Avenue NW, 20th Avenue NW, and Shilshole Avenue NW, are arterial streets located one block to the north and south of Ballard Avenue NW. Auto access to the project site on Ballard Avenue NW is via these three arterial streets.

Section 23.42.042 of the Seattle Municipal Code provides as follows.

- A. Administrative conditional uses and uses requiring Council approval as provided in the respective zones of Subtitle III, Part 2, of this Land Use Code, and applicable provisions of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, may be authorized according to the procedures set forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.
- B. In authorizing a conditional use, the Director or City Council may impose conditions to mitigate adverse impacts on the public interest and other properties in the zone or vicinity.

No additional conditions will be imposed on the administrative conditional use permit.

- C. The Director may deny or recommend denial of a conditional use if the Director determines that adverse impacts cannot be mitigated satisfactorily, or that the proposed use is materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

The lodging use is anticipated to accommodate its parking demand onsite. The level of service at nearby intersections will not be reduced with the addition of the lodging use. Construction impacts will be mitigated by existing City codes and ordinances. Exterior lighting will be directed away from neighboring uses and non-reflective exterior materials will be used. Noise and odors associated with the lodging use will be contained onsite. The height of the new structure will not block views, sunlight or cast shadows on neighboring properties. Therefore, adverse impacts will be mitigated satisfactorily and the lodging use will not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.

- D. A use that was legally established but that is now permitted only as a conditional use is not a nonconforming use and will be regulated as if a conditional use approval had earlier been granted.

The lodging use has not been legally established on the site.

- E. Any authorized conditional use that has been discontinued may not be re-established or recommenced except pursuant to a new conditional use permit. The following will constitute conclusive evidence that the conditional use has been discontinued:
 - 1. A permit to change the use of the lot has been issued and the new use has been established, or

2. The lot has not been used for the purpose authorized by the conditional use for more than 24 consecutive months. Lots that are vacant, or that are used only for storage of materials or equipment, will not be considered as being used for the purpose authorized by the conditional use. The expiration or revocation of business or other licenses necessary for the conditional use will suffice as evidence that the lot is not being used as authorized by the conditional use. A conditional use in a multifamily structure or a multi-tenant commercial structure will not be considered discontinued unless all portions of the structure are either vacant or committed to another use.

A conditional use has not been authorized on the site, so this criterion is not applicable to the proposal to establish lodging on the site.

DECISION – ADMINISTRATIVE CONDITIONAL USE PERMIT

The proposed lodging use in an NC2 65' zone is **GRANTED**.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant (originally dated October 30, 2006 and revised on February 9, 2011) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations/circumstances (SMC 25.05.665) mitigation can be considered.

Short-Term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction workers' vehicles. Existing City codes and ordinances applicable to the project such as: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code, would mitigate several construction-related impacts. Following is an analysis of the air, water quality, streets, parking, and construction-related noise impacts as well as mitigation.

The Street Use Ordinance includes regulations that mitigate dust, mud, and circulation. Temporary closure of sidewalks and/or traffic lane(s) would be adequately controlled with a street use permit through the Engineering Department, and no further SEPA conditioning would be needed.

Construction of the project is proposed to last for several months. Parking utilization along streets in the vicinity is moderate and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. This temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park onsite in the surface parking lot as soon as it is constructed for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

The proposal site is located adjacent to a residential area where construction of this scale would impact the noise levels. The SEPA Noise Policy (Section 25.05.675B SMC) lists mitigation measures for construction noise impacts. It is the department's conclusion that limiting hours of construction beyond the requirements of the Noise Ordinance is necessary to mitigate impacts that would result from the proposal on surrounding properties, because existing City ordinances do not adequately mitigate such impacts. This is due to the density of residential units in the area and the proximity of these structures to the proposal site. The proposal is, therefore, conditioned to limit construction activity to non-holiday weekday hours between 7:30 A.M. and 6:00 P.M. and Saturdays from 9:00 A.M. to 6:00 P.M. After the structure is enclosed, interior construction may be done in compliance with the noise ordinance. The department may modify this condition to allow work of an emergency nature or which cannot otherwise be accomplished during these hours by prior written approval of the Land Use Planner.

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). No unusual circumstances exist which warrant additional mitigation, per the SEPA Overview Policy.

Long-Term Impacts

Long-term or use-related impacts are also anticipated from the proposal: increased surface water runoff from greater site coverage by impervious surfaces; increased bulk and scale on the site; increased demand on public services and utilities; increased light and glare; loss of vegetation; and increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of a mixed-use structure and will in part be mitigated by the City's adopted codes and/or ordinances. Specifically these are: Stormwater, Grading and Drainage Control Code (stormwater runoff from additional site coverage by impervious surface); Land Use Code (height; setbacks; parking); and the Seattle Energy Code (long-term energy consumption). Additional land use impacts which may result in the long-term are discussed below.

Drainage

Rain water on roofs and on the driveways will be the major source of water runoff on the site. The rain water on the roofs will be collected in gutters and connected to the storm drainage system. No drainage will be directed to the adjoining streets. Verification of an appropriate stormwater control system and its proposed location of connection to the public system will be required to be shown on the construction plans. No additional mitigation measures will be required pursuant to SEPA.

Height, Bulk, and Scale and Historic Preservation

Section 25.05.675H1 and 2 of the Seattle SEPA Ordinance provides the following: “Historic buildings, special historic districts, and sites of archaeological significance are found within Seattle. The preservation of these buildings, districts and sites is important to the retention of a living sense and appreciation of the past. Historic sites, structures, districts and archaeological sites may be directly or indirectly threatened by development or redevelopment projects. Special districts have been established to protect certain areas which are unique in their historical and cultural significance, including for example Pike Place Market, Pioneer Square and the International District. These areas are subject to development controls and project review by special district review boards. It is the City’s policy to maintain and preserve significant historic sites and structures and to provide the opportunity for analysis of archaeological sites. For projects involving structures or sites which have been designated as historic landmarks, compliance within the Landmarks Preservation Ordinance shall constitute compliance with the policy set forth in subsection H2a above.” Any sensitive height, bulk or scale impact issues were addressed during the Ballard Avenue Historic District Board review process in the design of this project as determined by the Board’s review and unanimous approval. Therefore, no additional height, bulk, or scale SEPA mitigation is warranted pursuant to the SEPA height, bulk and scale policy.

Historic Preservation

At the March 15, 2007 special meeting, the Ballard Avenue Landmark District Board recommended approval of demolition of two existing buildings at 5214 and 5216 Ballard Avenue NW and preliminary design approval for construction of a four story mixed use building. In granting approval for demolition, the Board based its decision on the applicant’s demonstration that the properties no longer have or do not possess enough historic or architectural fabric to be contributing buildings to the Ballard Avenue Landmark District and that in this circumstance, demolition of the two existing buildings, to enable the applicant to construct a new four story mixed-use building should be permitted. Per SMC Section 25.16.080 Subsection B, the approval for demolition and preliminary design is granted pursuant to the following conditions: submittal of the final design and all of the information listed in SMC Section 25.16.080 subsection A2, obtaining a certificate of approval from the Ballard Avenue Landmark Board for final design prior to issuance of permits for any work including but not limited to demolition, proof of interim and long-term financing from the applicant for the replacement structure before demolition has final approval from staff, and new construction must be completed within two years of demolition. In February 2011 the Ballard Avenue Landmark District Board Coordinator compared the revised plans for the lodging use with what the Board approved in 2007 and determined the plans match and the Board will not have to review the plans again. Therefore, no further mitigation is required.

Traffic and Transportation

The Institute of Transportation Engineers (ITE) Trip Generation Manual estimates that a hotel generates .74 vehicle trips per day per occupied room during the PM peak hour, retail stores generate 44.32 vehicle trips per day per 1,000 square feet of gross floor area, and a health/fitness club generates 32.93 trips per 1,000 square feet per day. Based on the estimates in the Trip Generation Manual the 29 hotel rooms would generate approximately 20.72 vehicle trips per day, the 2,650 square feet of ground floor retail would generate approximately 117.44 trips per day, and the 11,850 square feet of health/fitness club would generate 390.22 trips, a total of 528.38 trips per day. The availability and proximity of transit will make it likely that there will be fewer vehicle trips than from developments in outlying areas on which the ITE generation equation is based. The site has ready vehicle access to two arterials, (Leary Way NW and NW Market Street). The volume of traffic along Ballard Avenue NW and 20th Avenue NW is moderate and nearby intersections operate at acceptable levels. The amount of traffic expected to be generated by the proposed project is within the capacity of the streets in the immediate area. Therefore, no SEPA mitigation of traffic impacts is warranted.

Parking

The parking policy in Section 25.05.675M of the Seattle SEPA Ordinance states that parking impact mitigation may be required only where on-street parking is at capacity as defined by the Seattle Transportation Department or where the development itself would cause on-street parking to reach capacity. The Institute of Transportation Engineers (ITE) Manual estimates that the average peak period demand for hotel rooms on a weekday is .91 vehicles per room (26.39 spaces for the 29 hotel rooms), 5.19 vehicles per 1,000 sq. ft. or 61.50 spaces for the 11,850 sq. ft. of athletic club, and 2 spaces for the retail use. This is a total of 90 parking spaces. Parking utilization in the vicinity appears to be below capacity and on-street parking can be found during the daytime or evening hours. The 63 parking spaces provided on-site in the parking garage would meet the code requirement and are expected to accommodate the parking demand generated by the project. The parking in the garage would mitigate some of the existing parking demand generated by the Olympic Athletic Club so more available onstreet parking spaces are expected. Car usage by the occupants and patrons is anticipated to be lower than average due to the centralized location of the building, accessibility to transit, and proximity to downtown. Therefore, no mitigation of parking impacts is necessary pursuant to SEPA.

SUMMARY

In conclusion, several adverse effects on the environment are anticipated resulting from the proposals which are nonsignificant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of DPD as the lead agency of the completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment with respect to transportation, circulation, and parking. An EIS limited in scope to this specific area of the environment was therefore required under RCW 43.21C.030(2)(C).

SEPA CONDITIONS

During Construction

The owner(s) and/or responsible party(s) shall:

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

1. In order to further mitigate the noise impacts during construction, the owner(s) and/or responsible party(s) shall limit the hours of construction to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. and on Saturdays from 9:00 a.m. to 6:00 p.m. This condition may be modified by the Department to permit work of an emergency nature of to allow low noise exterior work after approval from the Land Use Planner. Interior work may proceed at any time in compliance with the Noise Ordinance.
2. Construction workers shall park onsite in the parking garage as soon as the building is enclosed.

Signature: (signature on file)
Malli Anderson, Land Use Planner
Department of Planning and Development

Date: April 4, 2011